DOCUMENT RESUME

ED 388 460 RC 020 098

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TITLE Bureaucratic Impediments to Aboriginal & Torres Strait Islander Empowerment, Self-Determination & Self-Management.
PUB DATE 93
NOTE 37p.; Paper presented at the National Social Policy Conference: "Theory and Practice in Australian Social Policy: Rethinking the Fundamentals" (1993).
PUB TYPE Information Analyses (070) -- Reports - Research/Technical (143) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *Acculturation; *Bureaucracy; Cultural Differences; Cultural Interrelationships; Educational Policy; Elementary Secondary Education; Federal Legislation; Foreign Countries; Government Role; *Indigenous Populations; Planning Commissions; *Policy Analysis; Policy Formation; Political Influences; *Public Policy; *Self Determination
IDENTIFIERS *Australia (Torres Strait); Empowerment

ABSTRACT

This paper examines the context of current social policy and analyzes the bureaucratic impediments to achieving greater coordination of programs and services for Australia's Aborigines and Torres Strait Islanders. Specifically, the paper demonstrates how a "national commitment" involving bureaucratic rationality and imperatives continues to undermine the principles and practices of Aboriginal empowerment, self-determination, and self-management. Aboriginal demands for self-determination and self-management arise from a history of continuous oppression since the European invasion of Australia in 1788. The response of the Australian nation-state to Aboriginal and Torres Strait Islander concerns about sovereignty have largely been handled through "bureaucratic rationality." Additionally, there exists an unequal relationship that continually places Aboriginal and Torres Strait Islander people in the position of having to compromise their prior rights and aspirations in order to take part in the process of negotiation with the Australian nation-state. An example was the development of the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Aboriginal and Torres Strait Islander Education Policy (AEP), both created to give Aborigines decision-making power in the formulation of policies and programs affecting them. However, ATSIC and AEP have consistently failed to give Aborigines local control over critical issues. Another government policy that has had a devastating effect on indigenous people was the establishment of government-managed reserves or mission stations and the relocation of a number of distinct language groups from different parts of the country to be concentrated together on the same settlement. This paper concludes by offering strategies that would lessen differences between government policy and efforts of Aboriginal and Torres Strait Islander people to achieve empowerment and self-determination. (LP)

ED 388 460

Bureaucratic Impediments to Aboriginal & Torres Strait Islander Empowerment, Self-Determination & Self-Management

A paper presented at the 1993 National Social Policy Conference:
'Theory and Practice in Australian Social Policy: Rethinking the Fundamentals'

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University of Sydney

Management requires control. Control is contrary to self-determination.

ATSIC, Response to Deaths in Custody Royal Commission[2]

It's true that an Aboriginal bureaucratic caste has started developing over the past 20 years. The better people (sic) join the system and are swallowed up by it. They become part of the problem, not part of the solution.

Sol Bellear, ATSIC Deputy Chairman[3]

As a mode of thinking, bureaucratic rationality has become entrenched in our consciousness, so much so that we find alternative modes of thought difficult to employ... no matter how much we may dislike the presence of bureaucracy in our lives, we continue to think bureaucratically.

Rizvi & Kemmis, 'Dilemmas of Reform'[4]

Introduction

At the Special Premiers Conference, held in October 1990, Heads of Government called for a report on "the means of achieving greater co-ordination of the delivery of programs and services by all levels of government to Aboriginal peoples and

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[2]Quoted in Rowse T, 'Can ATSIC really contribute to Aboriginal self-determination?, in **Modern Times**, June 1992, p 23.

[3]Quoted in Maiden AN, 'Black Power: Taking Control', in **The Independent Monthly**, May 1993, p31.

[4]Rizvi F, & Kemmis S (1987), **Dilemmas of Reform**, Deakin Institute for Studies in Education, Deakin University, Geelong, p 296.

RC 020 098

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Torres Strait Islanders".[5] In May 1992, the Heads of Government endorsed "the development of a multilateral national commitment to improved outcomes for Aboriginal peoples and Torres Strait Islanders" and agreed on "the need to achieve greater co-ordination of the delivery of programs and services by all levels of government to Aboriginal people and Torres Strait Islanders".[6] This multilateral national commitment was endorsed in December 1992 at the Perth meeting of the Council of Australian Governments and provides a framework for the development of bilateral agreements between the States and Territories and the Commonwealth Government on specific services and programs. The anticipation is that such an arrangement will clarify the different roles, relationships and responsibilities of government programs and services and lead to improved outcomes.

This paper examines the context in which these principles of social policy are operating and analyses the bureaucratic responses which are intended to give effect to the reforms. In particular the paper demonstrates how the 'National Commitment' through the implementation of bureaucratic rationality and imperatives continues to undermine the principles and practices of Aboriginal empowerment, self-determination and self-management. The paper argues that the reform agenda perpetuates assimilationist and disabling processes and relationships through the imposition of bureaucratic impediments.

National Commitment to Improved Outcomes

The 'National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders' was endorsed by Heads of Government at the Council of Australian Governments meeting in December 1992. The guiding principles of the 'National Commitment' include support for:

- empowerment, self-determination and self-management by Aboriginal peoples and Torres Strait Islanders;

- economic independence and equity being achieved in a manner consistent with Aboriginal and Torres Strait Islander social and cultural values;

- the need to negotiate with and maximise participation by Aboriginal peoples and Torres Strait Islanders through their representative bodies, including the Aboriginal and Torres Strait Islander Commission, Regional

[5]**National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders**, Council of Australian Governments, December 1992.

[6]Ibid.

Councils, State and Territory advisory bodies and community-based organisations in the formulation of policies and programs that affect them;

- effective co-ordination in the formulation of policies, and the planning, management and provision of services to Aboriginal peoples and Torres Strait Islanders by governments to achieve more effective and efficient delivery of services, remove unnecessary duplication and allow better application of available funds;

- increased clarity with respect to the roles and responsibilities of the various spheres of government through greater demarcation of policy, operational and financial responsibilities.[7]

The stated purpose of the 'National Commitment' indicates that the Governments of Australia:

- recognise the expressed wish of Aboriginal peoples and Torres Strait Islanders for a commitment to change, and an acknowledgment of their rightful place in and right to contribute to Australian society and to share in Australia's land, wealth and resources;

- recognise that a National Commitment to improved outcomes in the delivery of programs and services for Aboriginal peoples and Torres Strait Islanders is required to:

  - redress the underlying and fundamental causes of Aboriginal and Torres Strait Islander inequality and disadvantage including those identified by the Royal Commission into Aboriginal Deaths in Custody;

  - confirm that the planning and provision of government programs and services to Aboriginal peoples and Torres Strait Islanders is a shared responsibility and a legitimate policy interest of all spheres of government;

  - agree upon key principles and national objectives;

  - provide a framework for bilateral agreements to be entered into between governments for delivery of specific programs and services.[8]

These commitments represent the most recent moves by governments to achieve greater control and improved procedures in the highly contentious area of

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[7]Ibid
[8]Ibid.

Aboriginal and Torres Strait Islander affairs. What is interesting to note about the commitments is the inherent tension they display between support for the fundamental rights of Aboriginal and Torres Strait Islander people as expressed in terms of "empowerment, self-determination and self-management" and the need for governments to achieve "effective co-ordination in the formulation of policies, and the planning, management and provision of services...to achieve more effective and efficient delivery of services".

Indigenous Power and Control

The demands for self-determination and self-management are generated by a history of continuous oppression since the invasion of Australia in 1788, during which Aboriginal and Torres Strait Islander people have experienced dispossession, genocide, disempowerment and the imposition of a range of colonial and neo-colonial processes and values. Priorities during this time have largely been determined by governments and their bureaucracies. The response of indigenous people has been a continuing struggle to achieve social justice and Land Rights and the formal acknowledgment of their prior rights.

Since the 1967 Referendum, and particularly the Whitlam period where the Labor Government adopted a policy based on self-determination, governments have in our view used the rhetoric of empowerment, self-determination and self-management to achieve increased management and control of indigenous affairs and to defuse the Aboriginal and Torres Strait Islander movement in its effort to mobilise around the issues of sovereignty and Land Rights.

There are a range of issues contained in the principles of indigenous power and control as expressed in terms of self-determination and self-management. These include:

- the rights of Aboriginal and Torres Strait Islander people and their organisations to determine what is culturally appropriate for 'community development' and the professional development of indigenous people;

- that Aboriginal and Torres Strait Islander people have the absolute right to set and drive their own agenda's without being overwhelmed by government/bureaucratic imperatives to steer indigenous movements into their own political systems for tighter control;

- the removal of imposed management structures of governments and the departmental controls which inhibit the emancipatory decision making processes of community based organisations;

that Aboriginal and Torres Strait Islander initiatives, aspirations and intellectual knowledge remain under the control of communities, free from bureaucratic administration, co-option and refinement;

that communities be fully and properly informed of funds allocated for community-based self-determination and self-management initiatives and how this funding can be accessed by the community without complexity, and the usual buck passing associated with bureaucratic management and administration.

Many tradition-oriented communities have for years been struggling for control over their own affairs. These struggles are centred around the issues of maintaining their culture and rights, to exist as a distinct Aboriginal community practising and living under the tribal law without unnecessary or irrelevant interference from non-Aboriginal people, their institutions and institutional values.

Communities like these wish to determine for themselves how culturally appropriate education, community development and other important issues such as health will develop holistically into traditional community life without displacing the traditional law, ceremonial obligations and family responsibilities. Non-Aboriginal people employed in such communities often work under requirements enforced by community decision makers and elders. Although these communities aspire for the children and adults to enhance their learning in literacy and numeracy there are also restrictions and limitations on what kind of literacy and numeracy they are exposed to, to protect community languages and ways of thinking from outside influences and imposition. Good examples of this are the development of both ways education at Yirrkala and Yipirinya.

These efforts represent a challenge to the non-Aboriginal education system which historically invaded the communities with bureaucratic values and requirements expecting Aboriginal people to gradually conform to and accept processes and rules alien and harmful to the people and their way of life.

Aboriginal and Torres Strait Islander concerns about empowerment, self-determination and self-management are issues which are not complex. However, it is our belief that indigenous people continue to be constrained by the bureaucratic structures and processes that are designed to serve the interests of the Australian nation-state. In these arrangements, indigenous interests and aspirations are marginalised or co-opted to serve the broader interests of the state.

If this situation is to change it will be important for communities to be at the forefront of the decision-making processes, having real power and control over decisions about their future. This is essential for the proper determination about how a community should advance. This has implications for decisions about how community people should maintain their culture as well as develop professionally within the framework of community development.

For meaningful self-determination and self-management to be achieved all groups in the community must be involved and empowered in decision making and management processes. This is not just a matter of developing and maintaining management, administrative and financial arrangements. It is about trying to work together as a community maintaining a distinctive way of life with respect for family, social, cultural and ceremonial obligations under the law.

What is also important is that Aboriginal and Torres Strait Islander people struggling for autonomy at the community level have the absolute right to design and drive their own agenda particularly in relation to opposing and resolving the multi faceted impediments and oppressions that represent a systematic opposition to the principles of self-determination and self-management.

Although Aboriginal and Torres Strait Islander people have gained much political mileage utilising the media and through political protest there is one concern which comes to mind. We risk telling the governments too much. The important issues are quickly taken over by and assimilated into the bureaucratic systems for refinement and control purposes and away from the communities. There is no place for self-determination and self-management in this kind of process. The political and bureaucratic forces taking control of Aboriginal and Torres Strait Islander movements are controlling which agenda's will drive and inform the debate.

Aboriginal and Torres Strait Islander empowerment, self-determination and self-management is the discourse which is used by communities, National, State and Territory governments. If these concepts that represent community independence and autonomy are to really mean anything then leaders and decision makers in politics, bureaucracies and institutions have to act as facilitators for the advancement of indigenous interests not an oppositional force which can turn community ideas, wishes and aspirations into frustration, complexity and constraint.

Bureaucratic Rationality

The response of the Australian nation-state to Aboriginal and Torres Strait Islander concerns about, and demands for, self-determination and self-management is largely handled by the bureaucracy. It is therefore important to understand how the bureaucracy operates and whose interests it serves if we are to properly understand the constraints and opportunities inherent in the relationship between Aboriginal and Torres Strait Islander people and the State/Territory and Federal governments.

As Rizvi and Kemmis have observed[9], contemporary bureaucracy needs to be understood as both a structure and as a process involving a reasonably stable arrangement of roles and assignment of tasks established to perform certain routine functions which have been prescribed by a political authority. Bureaucratic organisations are assumed to be a neutral instrument by which any set of political priorities can be implemented. They also define the way problems are approached and involve the application of a set of rules to achieve outcomes by the most 'efficient' and 'effective' processes.

Rizvi and Kemmis argue that "Bureaucratic approaches to problem solving embody a particular mode of thinking, a way of comprehending the social world, and a way of viewing social relationships...it is a social system which has been historically constructed in response to particular problems of reconciling political and legislative control with the administration of executive functions".[10] Bureaucracy has been so successful in fulfilling these functions that it now pervades, and is regarded as the natural form of organisation for, a wide range of government and non-government organisations and institutions.

This mode of thinking, that can be termed 'bureaucratic rationality', has become firmly rooted in our consciousness, and makes alternative ways of thinking about the world difficult to sustain. In turn it has a profound effect on the values and behaviours of those who are employed to implement its policies and programs because of the 'normalising' influences and demands imposed. This system "establishes and maintains social acts of a particular kind, and orients its members in a particular way, so that certain social objects are valued, certain types of behaviour are required, certain language is found acceptable and certain motivations are encouraged".[11] Furthermore, bureaucracy is resistant to innovation, so that new forms of work have to be incorporated through normalisation processes into the overall structure and modes of operation of the organisation. Within this system, human relationships are narrowly defined and specified in terms of institutional roles, relationships and responsibilities. So much so that "individuals must be depersonalised and are not encouraged to develop spontaneous kinds of interpersonal interaction...their forms of communication are prescribed not only by organisational rules, but also by the roles they take within the organisation".[12]

Referring to the work of Max Weber, Rizvi and Kemmis outline a set of characteristics that define bureaucracy in terms of an ideal type, which according to Weber raise "Precision, speed, unambiguity, knowledge of files, continuity, discretion, unity, strict subordination, reduction of friction and of material and

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[9]Op Cit, p 295.
[10]Ibid, p 295.
[11]Ibid p 296.
[12]Ibid p 296.

personal costs"[13] to the optimum point. These 'ideal type' characteristics of bureaucracies determine that :

- there is a hierarchy of clearly defined roles and responsibilities which qualifies a person's position in terms of its status in the hierarchy;
- relationships between people are defined according to their roles, which in turn are defined by a division of labour and specialisation of functions;
- power is centralised at the apex of the hierarchy and authority is vested in positions rather than persons;
- roles are defined by formally prescribed rules and regulations, such as duty statements, performance objectives and standard management procedures, which control and direct the conduct of work;
- officials are expected to relate to members of the public in an impersonal manner, avoiding personal values and attitudes;
- bureaucratic discourse is one-directional insofar as it privileges the language of the more senior officials in relation to those with less seniority, and of the bureaucracy against the public, because it is expressed in terms which instruct rather than engage, which inhibits rather than facilitates open dialogue;
- bureaucracies function on the principle that administration is content-free, based on the assumption that the process of administration can be separated from its content because general administrative technologies can be applied in any field;
- the work of a bureaucracy is supposed to be value-neutral, avoiding moral and political concerns on the one hand and personal values and preferences on the other, and remaining neutral on issues relating to particular social or cultural ideals.[14]

As Weber emphasised "Bureaucracy develops the more perfectly the more it is 'dehumanised', the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation".[15]

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[13]Ibid p 296.

[14]Characteristics of bureaucracy as an 'ideal type' based on Rizvi and Kemmis' summary of Weber's theory, ibid, pp 297-298.

[15]Weber, quoted in Rizvi and Kemmis, ibid, p 297.

Pusey, in his major study of 'Economic Rationalism in Canberra'[16], makes a similar point when he states "Formal rationality is by no means a 'value-free' and innocent means of creating greater coherence, consistency, accountability and commensurability of reference. In the central agencies or co-ordinating departments this process of rationalisation has been invested with a transcending and universalistic moral significance that accusingly defines those against whom it is applied as having more particular, 'narrower', and more pointedly still, *'vested'* interests. Those who drive this process of rationalisation believe in it and deploy it very powerfully as an evaluative framework that throws a difficult onus of justification on anyone who seeks to oppose them with defences premised on social needs or on values such as equity, compassion, common sense, wisdom, courage and integrity. And further the 'efficiency and effectiveness' of the process draws a great deal of added norm-setting force from the fact that there were so many believers among those to whom it was applied, principally among the SES staff of the program and service departments". [17]

Empowerment or Assimilation ?

The historical reasons for the tension between Aboriginal demands for social justice and Land Rights and the efforts of the state to incorporate them have been well documented.[18]

As Jennett has emphasised "Internal colonialism continues as part of the process of fragmenting and demobilising the working class rather than as a process of articulation of two modes of production. It will continue until Aborigines either achieve self-determination in the fullest sense (independence) or cease to identify as Aborigines (assimilation). In its current form it can be seen as a type of incorporation into the mainstream society which allows for a considerable amount of consciousness of Aboriginality at the ideological level, and some structural pluralism at the institutional level, but total entrapment in the capitalist mode of production despite some pluralist concessions to Aboriginal consciousness about life-style. Even these concessions are under threat, as they are seen by many Australians as discriminatory and unfair. Equality will ever be a contested term."[19]

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[16]Pusey M (1991), **Economic Rationalism in Canberra: A Nation Building State Changes Its Mind**, Cambridge University Press, Cambridge.

[17]Ibid p 154.

[18]See, for example, Tonkinson R & Howard M (eds) (1990), **Going it Alone?: Prospects For Aboriginal Autonomy**, Aboriginal Studies Press, Canberra; Jennett C, 'Incorporation or Independence? The Struggle for Aboriginal Equality', in Jennett C & Stewart R (1987), **Three Worlds of Inequality: Race, Class and Gender**, MacMillan, Melbourne; Pollard D (1988), **Give & Take: The losing partnership in Aboriginal poverty**, Hale & Iremonger, Sydney; Lippmann L (1991), **Generations of Resistance: Aborigines Demand Justice** (second edition), Longman Cheshire, Melbourne; Bennett S (1989), **Aborigines and Political Power**, Allen & Unwin, Sydney.

[19]Op Cit p 85.

Similarly, Tonkinson and Howard point out that "Autonomy...must necessarily be conditional. Where those seeking it are a relatively small and politically weak minority, as in the case of Australian Aborigines, striving for increased autonomy must contend with powerful pressures towards national unity (which are opposed to anything redolent of separatism, or what politically conservative white Australians often refer to as 'apartheid'). Rhetoric employing the term 'Aboriginal nation' is thus viewed as threatening the notion of 'a united, homogeneous Australia' and as taking autonomy too far".[20] Consequently it is not surprising that government policies have as an unstated premise "that self-determination for Aborigines is not open-ended, and will occur within limits imposed by the wider society. These constraints impact upon Aboriginal communities with considerable force."[21]

The salient features of this relationship include:

- an effort by governments to promote self-determination and self-management as the key to implementing policies for Aboriginal and Torres Strait Islander development;

- incorporation of Aboriginal and Torres Strait Islander people at all levels in bureaucratic decision-making processes;

- the striving of indigenous people for increased autonomy coming up against powerful pressures for national unity;

- diverse notions about what self-determination represents driving a range of political agendas;

- notions of, and demands for, sovereignty being viewed as threatening and divisive to the idea of 'one nation';

- self-determination being tolerated only within limits imposed by the wider society;

- strained relationships between the state/territory and federal bureaucracies and Aboriginal and Torres Strait Islander communities, individuals and organisations;

- difficulties experienced by bureaucrats and public servants responsible for making programs work in the field, especially at the community level;

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[20]Op Cit pp 69-70.
[21]Ibid p 70.

- Aboriginal and Torres Strait Islander people being faced with the dilemma of being drawn into the processes controlled by the state/territory and federal governments and their bureaucracies;

- emphasis on Aboriginal and Torres Strait Islander administration, rather than control, of bureaucratic functions;

- conflicts relating to Aboriginal and Torres Strait Islander representation with the Australian nation-state and the extent to which individuals can represent the interests of an organisation, community, region or indigenous interests as a whole;

- competing views about the most appropriate forms of local government and community development to facilitate self-determination and self-management;

- the use of financial constraints to achieve bureaucratic control and determine what will be accepted as legitimate community enterprise and development;

- complex administration and program requirements within and between discrete programs;

- planning and program structures within departments being isolated from each other making it difficult to consider needs holistically outside of discrete program boundaries.[22]

In our view this represents an extremely unequal relationship which continually places Aboriginal and Torres Strait Islander people in the position of having to compromise their prior rights and aspirations in order to take part in the processes of negotiation with the Australian nation-state.

One historical feature which has had a devastating effect on indigenous people and still impacts on the social organisation of communities is the establishment of government managed reserves or mission stations and the relocation of a number of distinct language groups from different parts of the country to be concentrated together on the same settlement.

Governments have considered that these settlements constitute an Aboriginal 'community'. Therefore, whenever government programs fail to achieve successful outcomes in such 'communities' it is usually the indigenous people who are blamed because they are not united enough or cannot make decisions together. One consequence of this can be the withdrawal of funding. The non-Aboriginal

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[22]Based on Tonkinson R & Howard M, 'Aboriginal Autonomy in Policy and Practice: an introduction', in Tonkinson R & Howard M, ibid, pp 67-81.

system that deliberately engineered the social structure of these communities rarely accepts responsibility, even though it was this process that vigorously promoted the dispossession of Aboriginal lands for development and exploitation.

What has emerged from this social structure is a diversity of tightly knit families who maintain social and family obligations through kinship lines. This causes frustration between Aboriginal people and departmental personnel trying to make programs operational at the community level, and particularly where a community person, designated to co-ordinate programs and community planning, is not accepted as a community representative.

For administrative purposes and convenience departments have an aggregated perception of what constitutes an Aboriginal community. The resulting misreading of community values and aspirations, combined with the bureaucracies' misunderstanding of what motivates community organisations and their own efforts to squeeze for successful outcomes, pose major obstacles to appropriate service delivery and improved outcomes for community-based initiatives.

The Bureaucracy as an Obstacle to Indigenous Interests

It is ten years since the landmark study of the outcomes of government policies in communities in North and Central Australia, by Coombs, Brandl and Snowdon[23] was released. Their study provides detailed evidence of the impact of programs and bureaucratic rationality on the lives of Aboriginal people and their capacity to achieve their aspirations for self-determination and self-management. It is a telling study which highlights many of the issues we are concerned with here. They make the observation that government programs, which are the subject of considerable expenditure and catered for by powerful bureaucracies, have failed to achieve their purposes whether assessed by Aboriginal or non-Aboriginal criteria, and that they conflict or are not congruent with the values and practices of 'Aboriginality'. They argue for "action which is more Aboriginal in style and which shifts responsibility and power to make decisions away from government agencies and towards Aborigines and their own communities and institutions".[24] While this was seen as requiring increased provision or changes in the allocation of financial resources they were confident that this would prove less costly and more efficient than continuing with existing practices. They also noted that "Aboriginal proposals have effectively been rejected despite in some instances, favourable comments on them by some of the governmental agencies involved".[25] As a result of these findings they pose two critical questions:

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[23]Coombs HC, Brandl MM, Snowdon WE (1983), **A Certain Heritage: Programs for and by Aboriginal families in Australia**, Centre for Resource and Environmental Studies/Australian National University, Canberra.

[24]Ibid p 375.

[25]Ibid p 375.

- why have government programs failed to achieve satisfactory results?; and,

- why are Aboriginal proposals consistently rejected, deferred or qualified out of existence?[26]

They make the following points in response to these questions:

- failure of government programs derives from an unwillingness to accept the values and style of Aboriginality;

- primary objectives are subordinated to the over-riding purpose of forcing Aborigines to assimilate into Australian society "to accept its values, to become part of its economic system, to acquiesce in the colonised status which assimilation offers them";

- unwillingness to come to terms with Aboriginality brings government programs into conflict with Aboriginal aspirations, producing tension and confusion;

- programs are unlikely to succeed unless those for whom they are designed identify with them and are involved in their planning and administration, especially when "those 'beneficiaries' see both the programs and those who administer them as incompatible with and potentially destructive of their own culture";

- programs for Aborigines cannot effectively be administered by the normal governmental bureaucracies because: they claim a political and financial monopoly; set standards regarding what is valuable and feasible; they cannot comprehend the content and significance of Aboriginality; they impose patterns of life and material expectations which "symbolise the two levels of Australian society: the colonisers and the colonised"; the presence and authority of the bureaucracy stands between Aborigines and their right to the experience and knowledge necessary for them to manage their own affairs;

- Aboriginal ways of doing things are unfamiliar and many non-Aboriginal officials distrust them and doubt Aboriginal capacity.[27]

In relation to the transfer of functions from the bureaucracy to Aboriginal organisations they make their most telling comments, "The tendencies of bureaucracies to protect their own interests and the power they exercise is notorious. That is why their response to the government policy of 'self-management' is to increase Aboriginal participation in the bureaucracy itself

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[26]Ibid p 375.
[27]Ibid pp 376-377.

especially at lower routine levels. Within the bureaucracy their policy influence can be blunted and made ineffective and their potential threat to the bureaucratic structure countered. And yet it is at the policy levels that the anxieties of Aborigines about the effects of current programs must be countered. The essential issues are political as well as administrative. That is why the best examples of non-Aboriginal involvement in Aboriginal programs is in those where control is effectively in Aboriginal hands and where the non-Aborigines are content to place their technical, administrative and professional skills at the disposal of Aboriginal policy decision makers".[28]

However, at that time the responses of both the bureaucracy and Ministers to Aboriginal initiatives failed demonstrably to give effect to the principle of self-management through the denial of effective self-determination in the planning, management and delivery of services to meet their special needs.

In a more recent study of 'Government Policy And Aboriginal Aspirations'[29] Kingsley Palmer examines the policies of self-determination and self-management as they have impacted on the Pitjantjatjara community at Yalata on the far west coast of South Australia. He notes that these policies "were innovative in that they sought, at least nominally, to provide Aborigines with a measure of independence from European Australians".[30] This was based on an "assertively non-colonial" ideology which policy makers anticipated would "help undo the damage done by the years of paternalistic missionary and government control".[31] However, "Like so much 'policy' which is politically inspired, it relied more on rhetoric than on a sound understanding of the structural relations of its component parts".[32] In detailing the Aboriginal response to self-management Palmer points out that "Their attempt to realise their ambitions was frustrated by the evident contradictions of the policy as it was presented to them. However, by opportunistically presenting the government bureaucracies with a *fait accompli* and with great perseverance, they achieved something which they really did want, even if the fundamental issues of the control of economic resources remained unresolved, and perhaps always will".[33]

Under the policy of self-management the Yalata community were encouraged to run the settlement according to what non-Aboriginal Australians thought was appropriate. This involved the institution of a community council with elected councillors who deliberated over issues of importance, complemented by community meetings. Despite the concession to democratic principles this style of consensus government created many problems for the Yalata people. Palmer

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[28]Ibid p 377.

[29]Palmer K, 'Government Policy And Aboriginal Aspirations: self-management at Yalata', in Tonkinson R & Howard M, op cit, pp 165-183.

[30]Ibid p 165.

[31]Ibid p 165.

[32]Ibid p 167.

[33]Ibid pp 167-168.

states that "it was clear that it was very difficult for most residents to comprehend fully many of the complex and diverse issues that they were required to consider, and in relation to which they were asked to make decisions. In consenting to proposed action, a predominantly Pitjantjatjara-speaking population was being asked to make informed decisions about twentieth century issues, invariably explained in English, which were largely the concern of European Australians. Community advisers and Aboriginal leaders faced the problem of how to overcome disinterest, competing Aboriginal priorities, ignorance, vested interests and so on...Corporate decision-making and joint responsibility for community action are difficult to implement when community members are a community in name only".[34]

In discussing the use of the term community Palmer argues that in this context it is a misnomer which has become a convenient label "used by those involved in the administration of Aboriginal affairs to refer to a complex and heterogeneous group of people".[35] There is a fundamental principle involved here that assumes that Aboriginal people form a cohesive and integrated group. This fiction "serves to establish the existence of the right environment for the implementation of the policy of self-management".[36]

In practice very little real power was exercised by the 'community' "although they were instructed otherwise". Expectations were raised by self-management but were not matched by their experiences..."the reality at Yalata was that it was a community run by European Australians, largely from outside and according to predetermined priorities and ideals".[37]

Implementation of community projects, such as power, sewerage, water and housing, was legitimated by 'consultation' in which Aboriginal people were asked if they wanted a particular development. At no stage, however, were they presented with real choices. They might have been able to change details on the plans but were effectively excluded from involvement in determining priorities for development projects, "The money was not available for them to spend as they wished; rather it was there for them to 'manage' according to the priorities and policies of the authorities that controlled the resources...expenditure was determined by budget priorities that earmarked money for particular projects".[38]

Of even greater consequence was the fact that the people were unable to access their traditional lands because of the atomic testing that was conducted at Emu and Maralinga. They were therefore compelled to live on country with which they had no affinity. Yalata, in contrast to their homelands, is characterised by bare,

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[34]Ibid pp 168-169.
[35]Ibid p 169.
[36]Ibid p 169.
[37]Ibid p 171.
[38]Ibid p 172.

stony ground and an arid climate, which produces a fine grey dust "which permeates clothes, swags and hair...the Aborigines assert that the grey earth has caused them to turn prematurely grey. They believe that the worry and the alienation which are consequences of living at the settlement have caused early ageing. The grey earth is both the symbol and the declared cause of that process".[39]

Most of the Yalata people, therefore, had little interest in the 'community' and associated negative attributes with it. Although some of the younger people who had been born there felt committed to a future at Yalata it was not a place they considered 'home'. This sense of alienation was "constantly ignored by government officials, who did not see the implications of this attitude".[40] Yalata was seen as a place created by non-Aboriginal Australians and maintained according to non-Aboriginal values and priorities. The development of the notion of an 'Aboriginal community' represented an effort to get the people to take part in an enterprise which was based on social engineering. As Palmer puts it "Self-management is not a viable proposition when people are not only disinterested in the activity but are alienated from the very community which is the subject of the enterprise".[41]

In 1984 the Maralinga Tjarutja Land Rights Act was passed and in contrast to discussions about the settlement the Aboriginal people were vitally concerned about the issues. Following the granting of freehold title to their lands an outstation at Oak Valley was established. However, "Official reaction to the establishment of the outstation was both guarded and sceptical. At first DAA officials insisted that the Oak Valley settlement was not an outstation, but a 'holiday camp', and predicted its imminent demise. By refusing to recognise it as an outstation, DAA were not obliged to fund the project, something they wished to avoid since it presented a threat to the singularity of their intentions to develop Yalata".[42] The passing of the Maralinga Tjarutja Land Rights Act 1984, however, required that the infrastructure for an Aboriginal Land Council be funded to manage the lands. The Council was therefore able to give official recognition to the occupation of the lands and demand provision of goods and services for the outstation.

Nevertheless, bureaucratic resistance continued to frustrate the legitimate aspirations of the Aboriginal people. Palmer records that up until the late 1980's:

> staff at Yalata complained and objected to the increased workloads;

[39]Ibid p 173.
[40]Ibid p 173.
[41]Ibid p 173.
[42]Ibid pp 175-176.

- lack of capital equipment and personnel seriously hampered the project which was operating on a shoestring;

- there was no radio at the outstation, although the visiting health sister had one that worked;

- a series of vehicles which the outstation relied on continually broke down;

- supplies of stores from Yalata were a continuing problem;

- government organisations continually resisted spending money on the new settlement or diverting it from Yalata;

- while the outstation lacked a basic radio, Yalata was having a push-button telephone service installed in all houses that requested it.[43]

In his analysis of this situation Palmer poses the question of why there was such a discrepancy between Aboriginal aspirations and the allocation of government support in the form of goods, services and money, which was supposed to be guided if not directed by Aboriginal wishes. Paradoxically, generous support was provided to schemes that many did not want and yet those which were strongly endorsed failed to receive government support. Palmer's explanation lies in an analysis of the policy of self-management and its hidden agenda:

- self-management requires Aboriginal people to make decisions about their community as if the affairs of the place are their own;

- official policy involves an essential fallacy that as co-owners, community members can choose the way in which things are done;

- effective community democracy is conditional on community members having the power to determine outcomes, otherwise the process is a sham;

- Aboriginal people require power to determine action and this is not realisable when the implementation of government policies denies self-determination;

- Aboriginal people are able to listen to and talk to bureaucrats in so-called consultation processes, and possibly influence outcomes. However, they are never given control over funds, goods or services. Instead they manage these resources according to predetermined priorities;

[43]Ibid pp 176-177.

- despite the land being vested in an Aboriginal organisation, economic control over the community is vested in the Commonwealth through government bureaucracies;

- those who 'manage' the community, whether they are Aboriginal or non-Aboriginal people, are managers not owners and are obliged to implement the policies of the State and Commonwealth governments, not those of the community itself;

- the Aboriginal people have no independent source of income, lack cohesive force and have developed no ideology that might lessen their reliance on non-Aboriginal people who control the flow of goods, services and cash;

- the power to effect action is absent because generally Aboriginal people do not exercise control over the resources within their community except in minor particulars;

- bureaucratic regulations are an impediment to the proper exercise of control;

- the lack of ability to determine outcomes is also limited by the matrix of community authority in which individual jurisdiction is group bounded, so there is community segmentation and factionalism;

- the implementation of government policy through the use and conflation of terms like self-management and self-determination is used to disguise the limitations of what management actually entails by presenting it as a system that incorporates community control;

- the outstation project was out of reach of the bureaucracies because they had not initiated it and had no vested interest in it;

- lack of government support meant that physical support for the venture was tenuous and the project was often close to failure, however this meant that control of the project rested firmly with Aboriginal people;

- the central difficulty is that government policy seeks to give Aboriginal people the freedom to determine their own affairs without providing the wherewithal to do so;

- policy paradoxically seeks to liberate Aboriginal people from a colonial legacy through a process that perpetuates the controls and dependency that are part of that legacy.[44]

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[44]Ibid pp 177-180.

Bureaucratic Adaptation and Aboriginal Incorporation

Has anything really changed for the better since the situations that prevailed up until the late 1980's as described by Coombs Brandl and Snowdon and Palmer. An article by Tim Rowse in 1992, which assesses whether ATSIC really can contribute to self-determination, raises significant doubts.[45]

As Rowse puts it, ATSIC "seemed to herald a giant step on the road to Aboriginal self-determination. For the first time, control over money was to be taken out of the hands of white bureaucrats. Aboriginal communities, so long the object of study and consultancies could start to plan and shape their own destinies".[46] Self-determination under this model was to be achieved by each of the sixty elected regional councils developing their own regional plans. However, as the article shows self-determination is being impeded by the role of the Commonwealth Public Service in reproducing within ATSIC the same central structure as other government departments.

Rowse dramatically highlights this imperious relationship by recounting the response of the Public Service Commission to the recommendation of the Report of the Royal Commission into Aboriginal Deaths in Custody that ATSIC be made an employing authority independent of the public service to enable ATSIC's elected Aboriginal commissioners to control staffing and related matters. The Public Service Commission arguments against the Royal Commission recommendation included: "no patronage; no favouritism; no discrimination; natural justice; impartial advice without fear, favour, retribution, or unfair dismissal; separation of powers between elected representations and public servants".[47]

This ignored the fundamental tension between the rights of staff, as represented by the Public Service Commission's response to the Royal Commission recommendation and ATSIC's legislative commitment to empower indigenous people. The further and telling irony is that ATSIC itself did not prepare the Commonwealth's response to the Royal Commission recommendation. The upshot of this was that the recognition of Aboriginal and Torres Strait Islander interests and the empowerment of indigenous people was interpreted in terms of career development opportunities for Aboriginal public servants. This was followed through into the Commonwealth's final response and was the only recommendation of the Report to be rejected.

Two significant issues emerge from this: the recruitment and careers development principles of ATSIC fail to take into account the principle of accountability of ATSIC staff to the elected representatives, and, the public service culture was reconfirmed and entrenched in a bureaucratic organisation that is responsible for

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[45]Rowse T. Op Cit.
[46]Ibid.
[47]Ibid.

planning, shaping and supporting Aboriginal and Torres Strait Islander futures, under the guiding principles of empowerment, self-determination and self-management.

Decisions about ATSIC policy and programs are made by a central board of 3 ministerially appointed commissioners and 17 elected commissioners from the ATSIC zones, which in turn represent the 60 regional councils.

One of the most disturbing features of Rowse's article is the account he provides of the secrecy requirements that are placed on councillors, "I was told that immediately after the November 1990 regional elections, all councillors had received a memo from ATSIC's personnel office requiring them to acknowledge formally the same obligations to secrecy as bind public servants. In response to some queries and complaints, this memo was quickly withdrawn and replace by one that merely requested councillors signatures, pointing out to them the delicacy of their position as possessors of 'internal government information'.[48]

As a result, some signed, others refused and some continued to regard themselves as being bound to secrecy. So much for empowerment and self-determination. A further concern is raised about the provision of information by councillors to their Aboriginal and Torres Strait Islander constituents. Some councillors have been advised to provide only the briefest minutes, consisting only of a list of decisions, while others have been advised to make their minutes as full as possible and advertise their availability widely. There is clearly an issue of public scrutiny and accountability involved in whether to disclose or withhold information. One position supports and facilitates community participation, empowerment and self-determination while the other closes it off. As one councillor has wryly argued, it is the job of elected Aboriginal and Torres Strait Islander people "to get stuck into the government, not sell its policies".[49]

These concerns about Aboriginal and Torres Strait Islander representation reveal several competing notions about an ATSIC councillor's role:

- some representatives have developed a loyalty to the secrecy of government processes, policies and decisions;
- others see themselves as being public critics of government actions;
- some feel that their responsibility is primarily to serve the interests of their immediate relatives, community members or regional constituents by channelling government money to particular projects and priorities.

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[48]Ibid.
[49]Ibid.

The way these tensions are resolved in the further development of ATSIC will determine the extent to which appropriate and effective representation is achieved.

The development of regional plans by the regional councils are intended to serve three main purposes:

- promotion of the idea among Aboriginal and Torres Strait Islander organisations and government agencies that the regional councils are the co-ordinating units of government effort towards Aboriginal and Torres Strait Islander people;

- provision of details of regional priorities to ATSIC and other government agencies; and ,

- preparation of budgets for allocating ATSIC money.

As Rowse says "Planning of this type may do no more than oil the existing machinery of government, or it can open up government processes to new popular forces".[50] In 1992 it was clear that ATSIC still had a long way to go in supporting the new popular forces, and it wasn't doing very well in oiling the existing machinery of government. For example, $4 million in the 1991-1992 budget allocation for Aboriginal and Torres Strait Islander communities to formulate plans that would feed into the regional council plans remained largely unspent. Rowse notes that ironically "its likely that regional councils will have developed their first regional plans before most communities have had time to work out theirs".[51] He makes the important point that "If ATSIC is serious about making community planning an essential part of the new processes of Aboriginal self-determination, then there needs to be much more consideration given to how to get Aboriginal people interested and competent in the activity".[52]

The other important point raised by Rowse relates to the ability of Aboriginal and Torres Strait Islander organisations to achieve autonomy from government funding bodies, to enable them to develop planning flexibility and discretion over funding arrangements. This in fact was one of the main themes of the Royal Commission Report in favour of Aboriginal and Torres Strait Islander empowerment and is in line with ATSIC's stated commitment to self-determination and self-management. However, despite the Report's recommendation in favour of triennial block funding ATSIC argued against this, indicating serious reservations. In their view regional councils could determine the allocation of funds between non-national ATSIC programs but once their budgets were approved by the Minister, they were limited in their discretion to transfer funds from one program to another. Councils that were granting money

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[50]Ibid.
[51]Ibid.
[52]Ibid.

to Aboriginal organisations under a number of different programs could not give authority to regard the different grants as a single sum for reallocation to other priorities at the organisations discretion. Rowse observes that regional councils were therefore not able to delegate to organisations powers which they didn't have themselves, "This response is significant not only as a statement of the difficulties of working to block funding, it also serves as a commentary from its central office, on ATSIC's limited willingness to devolve decision making even to regional councils".[53]

Most revealing in the ATSIC draft response to the Royal Commission Report is the statement which considers that the report "recognises (but does not resolve) the fundamental dilemma in Commonwealth funding for Aboriginal advancement - that of self-determination versus accountability. The devolution of decision making on funds allocations to ATSIC (with retention of ministerial control) does not threaten lines of accountability. The further devolution of decision making of autonomous regional councils (over which the commission does not have any control) blurs the lines of accountability by effectively removing from the commission itself the capacity to manage program allocations. A further devolution to multi program block grants to communities and organisations completes the process and makes it extremely difficult for the Commonwealth to hold the ATSIC commission accountable for either program allocations or program outcomes...Management requires control. Control is contrary to self-determination".[54]

This view raises serious questions about the ability of Aboriginal communities, organisations and regional councils to self-determine in relation to government and bureaucratic policies, programs and procedures. The dilemma it poses is related to the bureaucratic demands of performance management and program based budgeting being compromised by Aboriginal decision making. Aboriginal empowerment and self-determination comes up against bureaucratic rationality and public administration in a very explicit way in this draft response.

The final response of the Commonwealth to the Royal Commission Report leaves out these detailed sentiments and states in bold simplicity that block grant funding is acceptable only to the extent that it is consistent with public accountability which leaves a great deal of room for the bureaucracy to manoeuvre to preserve and protect its interests.

Ironically, many of the bureaucrats are Aboriginal and Torres Strait Islander people who, as Rowse indicates, have standing because of "their presumed empathy with the clients of services and their administrative competence".[55] This of course involves an enormous tension for Aboriginal and Torres Strait Islander

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[53]Ibid.
[54]Ibid
[55]Ibid.

people who are caught between wanting to represent indigenous interests and be judged competent according to bureaucratic criteria of performance.

Rowse concludes his assessment of this situation by remarking that the Royal Commission Report "advocated a perspective on Aboriginal empowerment which makes the Aboriginal organisation, not the indigenous bureaucrat, the central instrument of indigenous political development. Running counter to this, reforms in the public service during the 1980's, including the introduction of the Financial Management Improvement Program have obliged the public services indigenous recruits to prove their competence through their professional orientation to the notion of the program. So ATSIC has become the scene of a struggle for the Aboriginal and Islander public servants' souls".[56] And he finishes by asking the question "Can ATSIC develop a cultural mission which is powerful enough to define and enforce a practical meaning for self-determination".[57]

This question is answered in part by AN Maiden who describes, in the May 1993 edition of 'The Independent Monthly', the culture of dependency and the assimilation of black leaders into the new bureaucracy, "These days the problems of Aborigines are increasingly being handled by blacks themselves and they are beginning to address the dilemmas that accompany real - not token - power. This has tossed up a new range of issues which black activists could scarcely have considered 20 years ago. Before, Aborigines could blame an unrepresentative white political structure and a remote, uncaring white bureaucracy for the patent failures of Aboriginal policy. Now blacks are increasingly in control of those policies and their implementation, forced to struggle with the inevitable compromises, unfairness and limitations inherent in the process".[58] Maiden believes that the creation of ATSIC has been the catalyst for most of these dilemmas.

Approximately 1200 indigenous community organisations bid for "a slice of the ATSIC pie", which is in the order of $862 million. Sixty percent of this goes on housing and employment programs and the remaining 40 per cent is divided up between education, health, legal services and a range of national, regional and community cultural activities and infrastructure projects.

Despite the claim that only 17 per cent of the budget is spent on ATSIC administration the real costs absorbed by administration are much higher. Sol Bellear Deputy Chairman of ATSIC is quoted as saying "Maybe $20 out of every $100 is getting to the problem" .[59] Maiden attributes this to " layers upon layers of outside bureaucracy federal, state and local... (being)... still involved in almost every major Aboriginal spending area. The process means large amounts of

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[56]Ibid.
[57]Ibid.
[58]Maiden AN. Op Cit.
[59]Ibid.

money intended for Aborigines are absorbed by (often white) consultants, advisers, reviewers and bean counters".[60]

Bureaucratic impediments and related issues of concern identified by Maiden include:

- ATSIC's inability to fund everything every community wants leading to suspicions about political and bureaucratic favouritism;
- Issues of access or denial once blamed on whites now being blamed on other blacks;
- Powerful systems of family-based patronage monopolising the distribution of resources;
- Inefficient co-operative structures dominating many Aboriginal communities; and
- The rise of a caste of Aboriginal bureaucrats who depend for their careers on a system based on dependency and paternalism.

The article refers to the views of prominent Aboriginal leaders working within the bureaucracy, Lois O' Donohue, Pat Dodson and Sol Bellear, on the transitional pressures Aboriginal communities are experiencing as they struggle with the demands of government and bureaucratic structures, processes and regulations and the contemporary needs and realities of community life.

Lois O'Donahue, Chair of ATSIC, expresses the view that communal nepotism must be broken down even where it is part of traditional Aboriginal community structures, "If you're not of the dominant group you go out and start an organisation of your own. They're proliferating. But they're all competing for the same government dollar. It cant go on .... Different rules of fairness have to apply when you're dealing with taxpayers funds ".[61]

Pat Dodson, Head of the Council for Aboriginal Reconciliation believes that existing communal structures are diverting Aboriginal energies, "The problem is that decisions are made, and then we fight over the delivery. A lot of energy is taken up with garbage and other services. Whites take these things for granted".[62]

Sol Bellear, Deputy Chair of ATSIC, suggests that it will take time for more democratic processes to be introduced to Aboriginal community structures as Aboriginal people are grappling with issues of transition and working

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[60]Ibid.
[61]Ibid.
[62]Ibid.

collaboratively, "The fact is we can't go on blaming governments and white bureaucrats for our failures".[63]

Of course these leaders have worked for a long time with the bureaucracy and so their interests and commitments are integrally bound up in justifying the expanding influence and increased sophistication of targeted programs and service delivery. As noted above, this involves an enormous tension between representing a wide range of indigenous interests as well as demonstrating competence according to performance criteria and peer judgements generated by the government and bureaucratic 'culture'.

Maiden draws attention to the growth of an Aboriginal bureaucratic caste in the public service which "is by far the preferred career path for educated Aborigines. It offers a path into the middle class for the best and brightest (sic)".[64] This is a point substantiated by Bellear who remarks "Its true that an Aboriginal bureaucratic caste has started developing over the past 20 years. The better people (sic) join the system and are swallowed up by it. They become part of the problem, not part of the solution".[65]

Statistical evidence to support this is provided which shows that public sector employment rose from 29 per cent to 41 precent in the period 1971-1986. During the same period Aboriginal employment in agriculture, forestry, hunting and fishing fell from 24 per cent to 7 per cent. About 42 percent of the 1446 ATSIC staff are Aboriginal with a target of 60 per cent to be achieved as soon as possible.

One of the serious implications of this syphoning of indigenous people into the bureaucracy is that "A whole generation of educated Aborigines, who might have provided leadership independent of the white-funded structures and bureaucracies, is being absorbed into the professions or administration - of this welfare program, that government department, or that land council". [66]

In regard to this absorption or assimilation Maiden makes the keen observation that "The administrative jobs involve much arguing with other Aborigines about who gets what slice of the pie. But who is left to argue with the white feller about the size of the pie or other major issues ? Because the career bureaucrats depend on the flow of government funds and the present structures for their income and status, they are often disinclined to challenge these things; they become clients themselves".[67]

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[63]Ibid.
[64]Ibid.
[65]Ibid.
[66]Ibid.
[67]Ibid.

Wayne Wharton, an Aboriginal activist from Townsville, is quoted by Maiden as expressing the frustration that this trend is leaving community organisations without committed, educated management and that it is producing "two types of people: those who want to work for the white man and think they can do it through the government agenda, and community people who don't believe in Western solutions, have looked at your society, seen what it does to you and don't want any part of it".[68]

Less critical, more optimistic, assessments are offered by Dodson and O'Donahue. Dodson suggests that "...people often feel they can't do anything about their circumstances. They ask, is this just another government body ? Do we have to tell you over and over again what we want ? Can you do anything significant or different ?... We are getting to the decision makers and we are negotiating. It will be a long road, creating a greater appreciation of each other".[69]

O'Donohue is even more conciliatory to what Maiden terms the unalterable facts of Australian history, "We have, to a large extent, been swept aside by the immensely powerful forces that have occupied our country. Given the history of European domination of the world it is, in fact, hard to imagine pre 1788 Australia being allowed to remain as it was - though the process of colonisation might have been kinder and more just. We must reconcile ourselves to this fact and to our weakness, our 1.5 per cent, and work towards a more realistic accommodation with modern Australia...The principle of self-determination must be extended to include self-responsibility".[70] This capitulation to the interests of 'modern Australia', it should be remembered, represents the views of the government appointed head of ATSIC. It is unlikely that this view would be broadly accepted by Aboriginal and Islander communities and would be roundly rejected by activists such as Wharton. The implications of this view for the directions being given to ATSIC by its head give additional reason for concern about the relationship between government imperatives, bureaucratic rationality and the principles of indigenous empowerment and self-determination.

During the course of writing this paper we interviewed three senior non-Aboriginal Commonwealth public servants who have been involved in the development of policies and programs and the provision of services to indigenous people in urban, rural and remote areas. The following concerns and issues which were raised further point to the need for reassessment of the directions that are currently being taken:

- ATSIC, as the bureaucratic arm representing Aboriginal interests, is not taking on a sufficiently strong and committed co-ordinating role between government departments. This role is critical to enable government

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[68]Ibid.
[69]Ibid.
[70]Ibid

departments to respond in a more co-ordinated fashion working towards corporate plans and objectives and their implementation. This becomes increasingly more important in responding to regional and community planning processes;

- There is a dilemma within the bureaucracy as to what constitutes indigenous self-determination and self-management. In reality the bureaucracy doesn't understand what self-determination means to Aboriginal and Torres Strait Islander people. There is often a communication breakdown between the bureaucracy and communities caused by different perceptions and values. Related legislation needs to reflect these values and be presented in a form that is understandable to Aboriginal and Torres Strait Islander people;

- There is increasing complexity of bureaucratic service delivery and program design, which stems from the imperative of program budgeting. Interpretation of Aboriginal and Torres Strait Islander issues and concerns have doubled the complexity over the last five years;

- Bureaucracies and governments need to look at communities more holistically. There is a need to improve service delivery. Government departments need to become committed to longer term planning and flexible holistic funding arrangements;

- The constraints imposed by funding restrictions within program boundaries include:

  - eligibility requirements (age, disability, health status, etc);

  - critical mass viability issues, determined by the funding model;

  - specific and diverse accountability requirements between discrete programs;

  - quality assurance requirements, which often engage both Commonwealth and State/Territory legislative requirements;

- Bureaucracy focuses on inputs and outputs not outcomes. In addition, the complexities of regulations and administrative arrangements within discrete programs currently mean that it is necessary to negotiate different contractual arrangements for each individual program .

- The imposition of statistically generated indices in order to rationalise resource allocation, such as the proposed model for determining relative socio-economic disadvantage of ATSIC regional council areas, is inappropriate and is likely to generate conflict between bureaucratic

processes and the needs identified by communities in the context of self-determination and community planning;

- Standard program models often do not meet the needs of Aboriginal communities. Flexible responses using a mix of standard programs or through block funding creates dilemmas in fulfilling accountability requirements within discrete program boundaries. Some departments are attempting to tackle this problem.

- Bureaucracies are driven by political imperatives which impose externally generated solutions and prescribed time constraints on Aboriginal and Torres Strait Islander communities and their representative organisations.

These concerns and issues provide further indications of the tensions and problems that characterise the current relationship between government departments and Aboriginal communities from the perspective of bureaucrats who were asked to reflect on what is current practice.

"Tricky Business" or 'It's Getting Murky Down Here"

To show how difficult and frustrating the experience can be for indigenous people in their efforts to achieve self-determination through negotiation with bureaucracies we want to draw attention to concerns that have been raised by Eleanor Bourke and Linda Burney, in relation to the National Aboriginal and Torres Strait Islander Education Policy (AEP).

The Royal Commission Report into Aboriginal Deaths in Custody emphasised the need to establish "effective arrangements for the involvement of Aboriginal people in decision making regarding the planning, delivery and evaluation of education services at institutional and system- wide levels, and for appropriate consultative mechanisms to be in place in each educational sector".[71] The important thing about such arrangements "is that Aboriginal people are allowed to choose a direction for themselves - they need this freedom and opportunity to explore what shape schooling can take and then how it can be used to the benefit of their communities".[72]

However, the reality has fallen far short of this ideal. Eleanor Bourke, for instance, has raised the concern that is shared by many indigenous people that "in this country indigenous rights are dependent upon the good will of other Australians".[73] Elaborating on this she remarks "I (have for example) referred to

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[71]Royal Commission into Aboriginal Deaths in Custody (1991), **Final Report**, AGPS, Canberra. p 301.
[72]Ibid.
[73]Bourke EA (1990), 'Towards 2000: The Rights of Indigenous Peoples', in **Kaurna Higher Education Journal, Issue 1, September 1990.** p 5.

the Australian Government's support in principle for the rights of indigenous Australians and its reservations on those specific issues relating to self-determination and the core of Aboriginal identity".[74] In respect of the development of the AEP she then goes on to say " in the development of the Aboriginal Education Policy Aboriginal people witnessed this process. The outcome is a policy based on the non-Aboriginal concept of equity and sameness. The policy was written by bureaucrats. It does not reflect educational philosophy let alone an Aboriginal philosophy. It is a series of administrative and financial arrangements between the Commonwealth and the states and related institutions. The policy is designed to enhance existing systems. It does not propose to Aboriginalise them".[75]

As President of the NSW Aboriginal Education Consultative Group (AECG) Linda Burney has been directly involved in the negotiations between the State and Commonwealth bureaucracies and the communities' representative organisation, the AECG. In an emotional keynote address to the 1992 Aboriginal Studies Association Conference, Burney revealed the extreme frustration and difficulty she has faced in this role, particularly during the period of development of the operational plans for the second triennium of the AEP, 1993-1995. Her address was titled' "Tricky Business" or "Its Getting Murky Down Here": The National Aboriginal and Torres Strait Islander Policy'.[76]

As a member of the Reference Group that developed the policy Burney, on reflection, considers that with the knowledge she has gained during the first triennium she "probably wouldn't have been involved... I think we did a very bad job, because I don't believe at that time we had much of an understanding of what this Policy was really about. And for me...it was a good lesson in politics and about how not to trust bureaucrats".[77]

The 1989 launch of the AEP was in fact boycotted by the NSW AECG "to express the outrage we felt about the method of development of the AEP".[78] Burney was also a member of the NSW National Aboriginal Education Policy Co- ordinating Committee during the first triennium and she regarded this involvement as "a debacle as well...Some of you... would know about developing Operational Plans for the Policy and the heartache and the blood that was shed in that process".[79]
In order to absolutely establish her credentials for being able to make informed comment she told the conference that she was also currently Chairperson of the

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[74]Ibid.
[75]Ibid.
[76]Burney L (1992), **"Tricky Business" or "It's Getting Murky Down Here": The National Aboriginal and Torres Strait Islander Education Policy.** Keynote Address at the 1992 Aboriginal Studies Association Conference, University of New South Wales.
[77]Ibid.
[78]Ibid.
[79]Ibid.

NSW National Aboriginal Education Policy Co-ordinating Committee and a member of several monitoring committees of providers under the policy in NSW.

While acknowledging that there are some very positive aspects of the policy she states that "it gets back to the bureaucracy and the government listening to what Aboriginal people have to say... What has to happen is that DEET needs to listen to what Aboriginal people are saying about the Policy and...take on board some of those criticisms".[80]

One of the major problems Burney identifies relates to Aboriginal involvement in decision-making..."quite frankly I can't see and honestly say that that's really happening effectively in relation to the National Policy".[81] In her opinion "there hasn't been an effective national Aboriginal consultative arrangement in education for Aboriginal and Torres Strait Islander people in this country now for about five years...when the NAEC-the National Aboriginal Education Committee-was in place there were a lot of criticisms about it. But...I believe in retrospect that the demise of the NAEC was the most detrimental thing that we've experienced in Aboriginal Education at the national level for an awful long time...there was at least something in place that kept the government on their toes...now that simply doesn't exist".[82] Burney is dismissive of the structures that were implemented after the NAEC and considers that ATSIC is also not the appropriate body to provide independent advice on education, employment and training issues. She puts this quite bluntly "this advisory role of ATSIC is something that we've been landed with, its been made a fait accompli".[83]

Her arguments for an independent advisory body are based on the concern that "all the critical decisions about AEP and funding allocations and about all DEET programs are made at the DEET Central Office level. And I think that is the major thing that people need to take on board".[84]

She goes on to say that "the really basic problem is that there isn't enough Aboriginal advice and involvement in decision making in this whole process. And there is a real problem there, because the Main Purpose of the AEP is to ensure Aboriginal involvement in decision making".[85]

Pointing to confusion about the AEP process, Burney believes this is where things get "most murky", "The rules keep changing - and it seems that only DEET Central Office knows what they are".[86] An example of this involved the development of an Operational Plans check list after the Operational Plans had already been

[80]Ibid.
[81]Ibid.
[82]Ibid.
[83]Ibid.
[84]Ibid.
[85]Ibid.
[86]Ibid.

developed for the second triennium. A further problem involves the development of such plans in a funding vacuum where those involved have "no idea of what funds will be available or what share of these funds will be allocated to them".[87] This makes planning extremely difficult because it adds the element of working in the dark to what already involves "a tremendous amount of hard work".[88]

A fundamental concern raised by Burney is whether the AEP is assimilationist. She makes the following points and raises a number of questions based on her insights and experiences:

- Aboriginal people have no choice but to be part of the AEP program.
- Is it about really changing the system ?
- Is it about giving Aboriginal people the chance to move outside the system ?
- In the reporting of AEP, as required by DEET, is the emphasis only on so - called objective qualitative data - or is there scope for emphasis on cultural maintenance ?
- There is a great need for Aboriginal terms of reference in AEP and its implementation.[89]

She then details what she sees as the most obvious bureaucratic impediments and concerns are raised about:

- The lack of publicly available information relating to the funding formula for the allocation of AEP funds, and a total lack of information about how these decisions are made. On the basis of this concern she asks "Who actually tells communities what is going on ? Is the struggle worth it ?";
- Failure to publicise 'best practice' models and ideas for AEP programs or the related DEET programs ASSPA, ATAS and VEGAS. She suggests that this has two effects in practice: lack of guidance for providers about good ideas and practical strategies; and, lack of a national perspective, or big picture of what is happening across the country;
- Lack of co-ordination between AEP and other Commonwealth programs and initiatives leading to the marginalisation of Aboriginal education;
- The frustration experienced when programs are taken out of Operational Plans without proper or adequate consultation. She cites as an example the

[87]Ibid.
[88]Ibid.
[89]Ibid.

fact that " In NSW in the last triennium two Aboriginal culture programs, both endorsed by the NSW AECG, were deleted from the NSW Department of School Education's Operational Plans-one by the State Minister and one by the Commonwealth". "This", she says "makes a mockery of what the fundamental principle of the Policy is supposed to be with involvement of Aboriginal people in decision-making ". In her view this further emphasises the urgent need for Aboriginal terms of reference to ensure that Aboriginal culture and Aboriginal education are seen as inseparable by governments and their bureaucracies, "...a Policy model which allows Ministers to delete Aboriginal cultural programs from schools can't fairly be called an Aboriginal Education Policy";

- Failure of the bureaucracy to get people working together, and a failure at the national level to consult appropriately;

- AEP as it is formulated which is all about access, participation and outcomes in the existing system. The involvement of Aboriginal people is not seen as changing the system. However as Burney sees it ..." What the AECG's have always been about is changing the system, because that is the only way to ensure that Aboriginal students get a fair go - and because you can't expect Aboriginal students to want to know about a system that fails to include them and their heritage.[90]

Burney's description of the impediments thrown up by bureaucracies in the development and implementation of the AEP further endorses the proposition put forward by Errol West that 'The more things seem to change, the more they stay the same'.[91]

The More Things Seem to Change, The More They Stay the Same

The theme of this conference is rethinking the fundamentals in theory and practice in Australian social policy. In this paper we have tried to show that there is a continuing need to rethink the fundamentals in relation to policies and programs for Australia's indigenous people. Despite, or some might say as a result of, initiatives such as the creation of ATSIC and the recent 'National Commitment to improved Outcomes in the Delivery of Services for Aboriginal Peoples and Torres Strait Islanders', there is still a long way to go before significant empowerment, self-determination and self-management can be realised.

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[90]Ibid.

[91]West E (1991), **I Wonder Why - The More Things Seem to Change, The More They Stay the Same?** Paper presented at the 1991 National Aboriginal and Torres Strait Islander Higher Education Conference, Jamberoo, New South Wales.

One reason for this is the power and influence which bureaucratic rationality and imperatives have over peoples lives and opportunities. In our view this issue needs to be addressed more seriously by indigenous people who are placing their faith in what might emerge from arrangement such as ATSIC and the 'National Commitment'. The heart of this dilemma is the tension between bureaucracy and self-determination.

On paper, the 'National Commitment' proposes to address the on-going deficiencies that inhibit, and for some time now have plagued, the effective co-ordination between bureaucratic program, service and resource delivery and the desires of indigenous people to exist as independent communities maintaining autonomy under the principles of empowerment, self-determination and self-management.

The document says it will achieve the above principles through negotiation and in collaboration with Aboriginal and Torres Strait Islander people. Increased participation of indigenous people at the decision making levels of bureaucracy and in the community, it suggests, will ensure that Aboriginal and Torres Strait Islander interests, including social and cultural obligations, are represented and reflected in this process. There is also a commitment to improved communication by promoting a clearer understanding of government policies, the operational plans that will implement and monitor these policies and provision of advice about Aboriginal and Torres Strait Islander economic independence and equity.

As we have seen, despite some significant changes to policies and programs and representative structures, the problematic relationship between government and bureaucratic rationality and imperatives and the ability of Aboriginal and Torres Strait Islander people to achieve empowerment, self-determination and self-management continues to pose a major challenge. The important features of this relationship can be expressed in terms of the following broad issues:

- The goals and aspirations of the Aboriginal and Torres Strait Islander movement expressed in terms of empowerment, self-determination and self-management have been co-opted by Commonwealth, State and Territory governments. This has had the effect of maintaining and increasing power and control over indigenous affairs.

- The tendencies of bureaucracies to protect their own interests and power continues to be an issue of concern. Despite the increased participation of indigenous people in the bureaucracy their policy influence and potential threat to bureaucratic rationality and imperatives remain blunted and ineffective.

- Self-determination is being impeded by the role of the Commonwealth Public Service in reproducing within ATSIC the same central structure as other government departments. This also involves a fundamental tension

between the rights of ATSIC staff and ATSIC's legislative commitment to empower indigenous people through the principles of accountability of ATSIC staff to the elected representatives. The public service culture has been reconfirmed and entrenched in a bureaucratic organisation that is responsible for planning, shaping and supporting Aboriginal and Torres Strait Islander futures.

- If ATSIC is serious about self-determination being achieved through community planning there needs to be more consideration given as to how Aboriginal and Torres Strait islander people can become competent and interested in these processes, with the skills necessary to control and manipulate them.

- Representation of indigenous interests and aspirations within the Australian nation-state continues to be problematic, with a high level of scepticism being expressed by indigenous people themselves about the role of ATSIC in supporting self-determination and self-management.

- ATSIC's inability to fund all community requests has led to suspicions about political and bureaucratic favouritism and high levels of scepticism, especially where powerful systems of family-based patronage have monopolised the distribution of resources.

- The incorporation of Aboriginal and Torres Strait Islander people at all levels of bureaucratic activity has served to legitimate government policies and programs which are largely based on assimilationist principles. In addition, the involvement of indigenous people in implementing these policies and programs serves to increase the hold that assimilationist processes have over the lives of community members and community decision-making processes.

- An indigenous bureaucratic caste has developed which in many ways is contributing to the problem rather than being part of the solution. As well as providing legitimacy to the processes of bureaucratic rationality and imposition it is also seriously eroding the leadership base within communities.

- Aboriginal and Torres Strait Islander people working in the bureaucracy are involved in an enormous tension, being caught between wanting to represent indigenous interests and also be judged competent according to bureaucratic performance criteria.

- The bureaucracy needs to find ways of listening and responding appropriately to what indigenous people have to say. This requires a willingness to respond to criticisms about impediments to effective empowerment, self-determination, and self-management.

Explicit information about funding opportunities and guidelines for making applications need to be widely distributed and easily accessible. This must be supported by a greatly increased responsiveness by indigenous and non-indigenous bureaucrats to requests for support and advice from community-based individuals, groups, and organisations.

There is a strong need for indigenous terms of reference to be developed in all policy and program areas. Information about 'best practise' models and strategies needs to be disseminated widely so that a national perspective on improvements and developments can be accessed and used for the further development of indigenous community driven and controlled initiatives.

Bureaucratic rationality involves the essential fallacy that community members can choose the way in which things are done. Aboriginal people may be able to listen to and talk to bureaucrats in what are termed consultation processes and possibly influence outcomes. However, the real issue is whether they are able to control funds, goods and services rather than manage them according to predetermined priorities. Programs are unlikely to succeed unless those for whom they are designed identify with them and are involved in the planning and administration, especially when these arrangements are considered to be incompatible with, and potentially destructive of, the culture and way of life.

There are complex administration and program requirements within and between programs. Planning processes and program structures are typically isolated from each other making if difficult to consider needs holistically outside of program boundaries. For administrative purposes and convenience, government departments tend to have an aggregated perception of what constitutes an Aboriginal community. The resulting misreading of community values and aspirations, combined with the bureaucracies misunderstanding of what motivates community organisations, and their own efforts to squeeze for successful outcomes, poses major obstacles to appropriate service delivery and improved outcomes for community-based initiatives.

Effective community democracy is conditional on community members having the power to determine outcomes, otherwise the process is a sham. The power to determine action is not realisable when the implementationof government policies denies self-determination. Bureaucratic regulations increase the impediments to the proper exercise of control which can be further frustrated by community segmentation and factionalism.

There is a fundamental dilemma in Commonwealth funding for Aboriginal and Torres strait Islander advancement which counterposes self-determination with accountability thereby raising serious questions about the ability of communities, organisations and regional councils to self-

determine in relation to government and bureaucratic policies, programs and procedures.

- The various layers of bureaucracy continue to be involved in almost every Aboriginal and Torres Strait Islander spending area, with the consequence that large amounts of money are absorbed by departments, consultants, advisers, reviewers and others involved in the 'industry'.

- The best examples of programs working effectively are in situations where control is in the hands of the Aboriginal community or organisation and where the bureaucracy and non-Aboriginal people provide financial, administrative and professional support.

We hope that by drawing attention to these bureaucratic impediments to Aboriginal and Torres Strait Islander empowerment, self-determination and self-management both bureaucracies and indigenous communities will look again at their uneasy relationship in order to learn from the mistakes of the past and build a solid foundation for the future. This will not be easy or straightforward as bureaucratic rationality has become entrenched in our consciousness, which makes alternative modes of thought difficult to employ as Rizvi and Kemmis have argued. Nevertheless, this is a critical challenge that will continue to haunt relationships until it has been resolved.